Filed 01/23/2006

alterations and modifications as fall within the true spirit and scope of the invention.

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Case 1:04-cv-01371-JJF

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### IN THE CLAIMS

- A high-voltage MOS transistor comprising an insulated-gate field-effect transistor, and a double-sided junction-gate field-effect transistor connected in series, said transistors being united in one structure.
- In a high-voltage MOS transistor paving a source, a drain, an insulated gate device/for controlling current flow between the source and the drain, an extended drain region in secties between the 10 insulated-gate device and the drain, said extended drain region being formed on material having a conductivity-type opposite that of the extended drain region, and wherein the improvement comprises a layer of material on top of the extended drain region having 15. a conductivity-type opposite that of the extended drain region, and wherein the improvement comprises a layer of material on top df the extended drain region having a conductivity type opposite that of the extended drain region, said too layer of material and 20 said material beneath the extended drain region being interconnected with the source for applying a reverse-bias voltage whereby current flow through the extended drain region can be pinched off by depletion from both sides adjacent the opposite 25 conduct/vity-type materials.
  - A high-voltage MOS transistor comprising a source, a drain, an insulated gate device for controlling current flow between the source and the dyain, an extended drain region in series between the insulated gate device and the drain, said extended drain region being formed on material having a

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conductivity-type opposite that of the extended drain region, and a layer of material on top of the extended drain region having a conductivity-type opposite that of the extended drain region, said top layer of material and said material beneath the extended drain region being interconnected with the source for applying a reverse-bias voltage whereby current flow through the extended drain region can be pinched off by depletion from both sides adjacent the opposite conductivity-type materials.

4. The proph-voltage MOS transistor of claim I further including.

another high-voltage MOS transistor of opposite conductivity-type forming a complementary pair on the same chip.

The high-voltage MOS transistor of claim 2 wherein,

said layer on top of the extended drain region is an ion-implantation.

The high-voltage MOS transistor of claim & ff

said top layer has a depth of one-micron or less.

The high-voltage MOS transistor of claim & 47 wherein,

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said top layer has a doping density higher than 5 x  $10^{16}/\text{cm}^3$  so that the mobility starts to degrade.

5 8. The high-voltage MOS transistor of claim 3 wherein,

said extended drain is made of n-type conductive material and said top layer is made of p-type conductive material.

- 9. The high-voltage MOS transistor of claim 3 wherein,
- said extended drain is made of p-type conductive material and said top layer is made of n-type conductive material.
- 10. The high-voltage toS transistor of claim 9

said transistor is embedded in a well of n-type conductive material in a substrate of p-type conductive material, and further including a complementary high-voltage MOS transistor having an extended drain of n-type conductive material embedded in the substrate.

11. The high-voltage MOS transistor of claim 3 wherein

both the extended drain region and the top layer of material are diffusions or ion implantations into a substrate or epitaxial layer.

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12. The high-voltage MOS transistor of claim 11 wherein,

said extended drain region and the top layer of material are formed by using the same mask (self alignment).

13. The high-voltage MOS transistor of claim 3 wherein,

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the material on which the extended drain region is formed is a substrate; and

the substrate is of one conductivity-type

15 material, and further including a complementary
transistor embedded in well or epi-island of
opposite conductivity-type material on the same
substrate.

14. The complementary pair of high-voltage MOS transistors of claim 13 wherein,

the well in which the complementary transistor is embedded is the same diffusion as the extended drain for the other transistor.

15. The complementary pair of high-voltage MOS transistors of claim 14 wherein,

the well is an n-well and further used for a low voltage p-channel device.

16. The high-voltage MOS transistor of claim 2 wherein,

-16-

the top layer is floating.

17. The high-voltage MOS transistor of claim 3 wherein,

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the source region and the drain region are formed in a similar manner.

he Midh-voltage MOS transistor of claim 3 Further including, 10

low voltage logic and analog function on the

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### ABSTRACT OF THE DISCLOSURE

An insulated-gate, field-effect transistor and a double-sided, junction-gate field-effect transistor are connected in series on the same chip to form a high-voltage MOS transistor. An extended drain region is formed on top of a substrate of opposite conductivity-type material. A top layer of material having a conductivity-type opposite that of the extended drain and similar to that of the substrate is provided by ion-implantation through the same mask window as the extended drain region. This top layer covers only an intermediate portion of the extended drain which has ends contacting a silicon dioxide layer thereabove. The top layer is either connected to the substrate or left floating. Current flow through the extended drain region can be controlled by the substrate and the top layer, which act as gates providing field-effects for pinching off the extended drain region therebetween. A complementary pair of such high-voltage MOS transistors having opposite conductivity-type are provided on the same chip.

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# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to

_,,			
I belie listed below below) of th the invention	e subject matter which	first and sole inventor (set and joint inventor (if is claimed and for which	if only one name is plural names are listed a patent is sought on
•	HIGH	VOLTAGE MOS TRANSISTORS	
the specific	ation of which	•	•
X	is attached hereto.		
	was filed on	as	Application Serial
	No and	was amended on(if ap	<u> </u>
to above.		viewed and understand the ng the claims, as amended	by any amendment referre
I acknowl examination o Regulations,		close information which is n accordance with Title 37	material to the , Code of Federal
I hereby application a connected the		ng attorney(s) and/or agenusiness in the Patent and	ITademark Office
	Thomas E. Schatz Douglas R. Mille	zei Reg. No. 22.611	01
Address 408) 727-70	all telephone calls (	to Thomas E. Schatzel at te	elephone No.
I hereby of	2211 Scott Bo Satt Clara, claim foreign priorit	or THOMAS E. SCHATZEL all Corporation oblive and, SGIZe 200 California 95054-3093  by benefits under Title 35,	United States Code,
ertificate he laimed:	wing a filing date b	for patent or inventor's foreign application for pefore that of the applicat	certificate listed below atent or inventor's lon on which priority is
rior Foreign	Application(s)		Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	(Day/Month/Year Filed)	Yes No

I hereby claim the benefit under Title 35, United States Code, \$120 of any United States application(s) listed below and, insofar as the subject matter to each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, \$112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, \$1.56(s) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status: patented, pending, abandoned) (Application Serial No.) (Filing Date) (Status: patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are pumishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

Inventor's Signature;

Residence:

243 Mistletoe Road

Los Gatos, California 95030

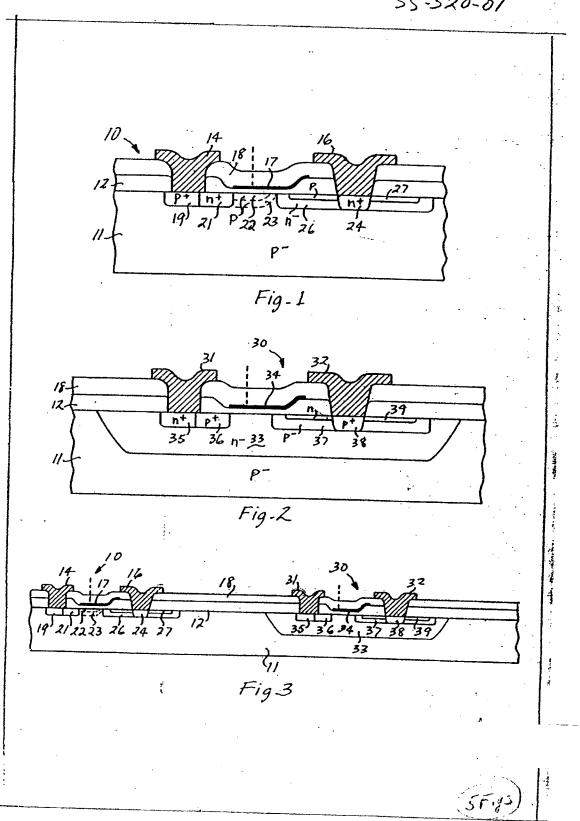
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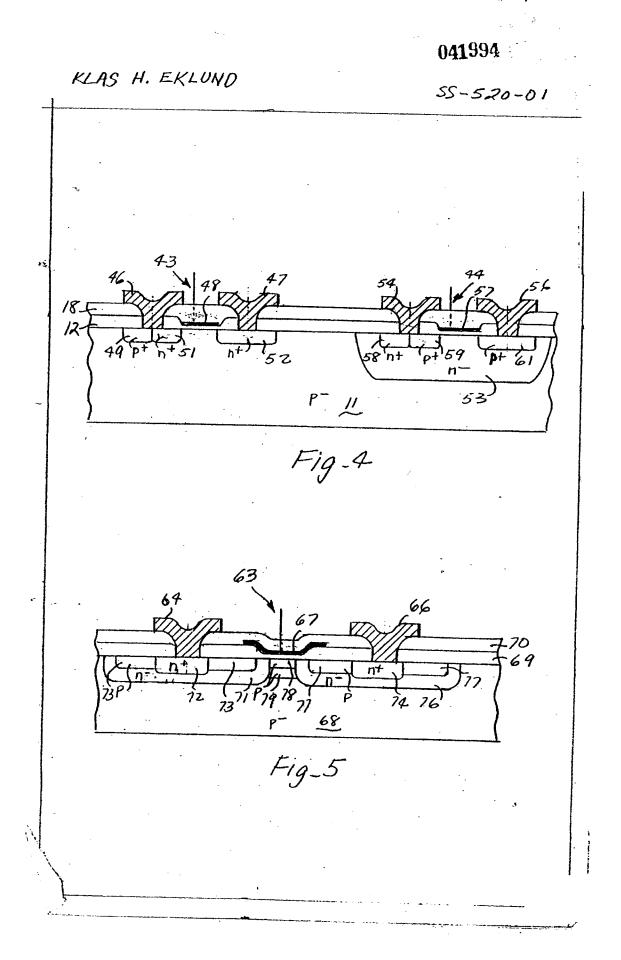
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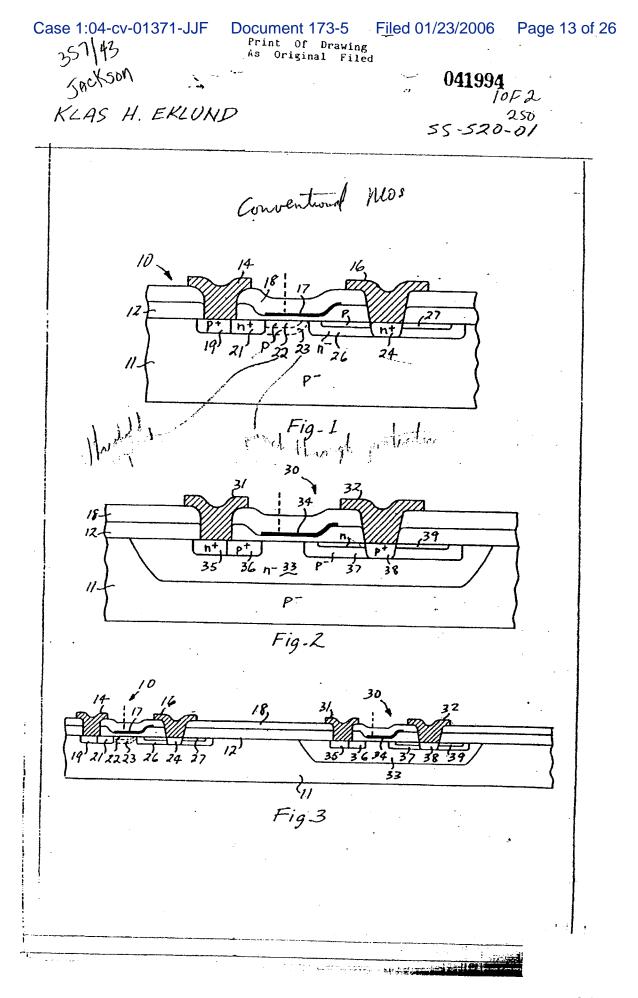
Applicant or Patentee: KLAS H. EKLUND  Serial or Patent No.: Filed or Issued: HIGH VOLTAGE MOS TRANSISTORS  VERIFIED STATEMENT (DECLARATION) CLAIMING SHALL ENTIT (37 CFR 1.9(f) and 1.27(c) - INDEPENDENT INVENTO	Attorney's Docket No.: 520-0
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For: HIGH VOLTAGE MOS TRANSISTORS  VERIFIED STATEMENT (DECLARATION) CLANNING THAN STATEMENT	
VERIFIED STATEMENT (DECLARATION) CLANNING SHALL SHALL	
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	TY STATUS
As a below named inventor, I hereby declare that I qualify as an as defined in 37 CFR 1.9(c) for purposes of paying reduced fees u and (b) of Title 35, United States Code, to the Patent and Tradem regard to the invention entitled HIGH VOLTAGE MOS TRANSISTED HIGH VOLTAGE MOS TRANSISTED IN TRANSISTED HIGH VOLTAGE MOS TRANSISTED HIGH MOS TRANSISTED HIGH VOLTAGE MOS TRANSISTED HIGH MOS TRANSISTE	independent inventor mder section 41(s)
[X] the specification filed herewith [] application serial no	
I have not assigned, granted, conveyed or licensed and am under no contract or law to assign, grant, convey or license, any rights in any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which wo small business concern under 37 CFR 1.9(d) or a nonprofit organization.	o obligation under in the invention to under 37 CFR 1.9(c) and not qualify as a ation under 37 CFR
Each person, concern or organization to which I have assigned, gradicensed or am under an obligation under contract or law to assign license any rights in the invention is listed below:	anted, conveyed, or n, grant, convey, or
<ul> <li>no such person, concern, or organization</li> <li>persons, concerns or organizations listed below*</li> </ul>	
*NOTE: Separate verified statements are required from each me person, concern or organization having rights to the invention to their status as small entities. (37 GFR 1.27)	named on averring
FULL NAME n/a ADDRESS	
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROPIT	ORGANIZATION
ADDRESS [ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT FULL NAME D/a	ORCANIZATION
ADDRESS [   INDIVIDUAL     SHALL BUSINESS CONCERN     NONPROPIT	OBCANIZATION
I acknowledge the duty to file, in this application or patent, not change in status resulting in loss of entitlement to small entity paying, or at the time of paying, the earliest of the issue fee or due after the date on which status as a small entity is no long 37 CFR 1.28(b))	ification of any status prior to
hereby declare that all statements made herein of my own knowled; hat all statements made on information and belief are believed to urther that these statements were made with the knowledge that will takements and the like so made are punishable by fine or imprisons under section 1001 of Title 18 of the United States Code, and that tatements may jeopardize the validity of the application, any pate hereon, or any patent to which this verified statement is directed.	De true; and liful false ment, or both, such willful false
CLAS H. EKLUND AME OF INVENTOR NAME OF INVENTOR NAME OF	INVENTOR
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KLAS H. EKLUND

55-520-01







# UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE		FIRST NAMED APPLICANT		ATTORNEY DOCKET NO
87/041,994	04/24/87	EKLUND			VITOWNEY DOCKET NO
		<del></del>			
THOMAS E. S	CHATZEL.				VAMMEN
3211 SCOTT			!	JACKSON 5	Children
SANTA CLARA	• CA 95054-	3093			
				ARTUNIT	PAPER NUMBER
					2
				DATE MAILED:	

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This is a communication from the examiner in charge of y	
COMMISSIONER OF PATENTS AND 1	RADEMARKS
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	mmunication filed on This action is made final,
A shortened statutory period for response to this action is set to expl	re month(s), days from the date of this letter
Failure to respond within the period for response will cause the appli	cation to become abandoned. 35 U.S.C. 133
PM I THE FOLLOWING ATTACHMENT(S) ARE PART OF THE	S ACTION:
L Motice of References Cited by Examiner, PTO-892.	2. S Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449 5. Information on How to Effect Drawing Changes, PTO-1474	4. Notice of informat Palant & collection was a see
	b. []
Part N SUMMARY OF ACTION	
1 521 Chaires /-/8	
2 B cramp	are pending in the application.
Of the above, claims	are withdrawn from consideration.
2. Clains	
	have been cancelled.
3. Claims	are allowed.
4. 🔯 Claims 1 - 18	are rejected.
5 F1 cu:	
	are objected to.
6. Claims	are subject to restriction or election requirement.
	th are acceptable for examination purposes until such time as allowable subject
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8. Allowable subject matter having been indicated, formal draw	
9. The corrected or substitute drawings have been received on	. These drawings are   acceptable:
The accelerate (see exhibitation).	
10. The proposed drawing correction and/or the propose	ed additional or substitute sheet(s) of drawings, filed on
has (have) been approved by the examiner disapp	roved by the examiner (see explanation).
11. The proposed drawing correction, filed	, has been approved disapproved (see explanation). However,
THE PROPERTY OFFICE NO TOTAL WAYNES THE MAILE C	RECECS. II IS DOM BOOKCAD'S resconsibility to any up that the desired
EFFECT DRAWING CHANGES", PTO-1474.	th the instructions set forth on the attached letter "INFORMATION ON HOW TO
	• • •
ACKnowledgment is made of the claim for priority under 35 t	J.S.C. 119. The certified copy has been received not been received
been tiled in parent application, serial no.	; filed on
<ol> <li>Since this application appears to be in condition for allowar accordance with the practice under Ex parte Quayle, 1935 (</li> </ol>	nce except for formal matters, prosecution as to the merits is closed in
the contract of participants, 1955	11, 433 U.G. 213.
И. Other	
	•
PTOL-326 (Rev. 7 - 82)	EXAMINER'S ACTION
	CAMBRER'S ACTION

Serial No. 041,994 Art Unit 253

-2-

On page 9 line 28 "72" should be --73--.

Claims 1, 2, 4-7, 16 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The structure of claim 1 is indefinite. The language "being united in one structure" is vague and indefinite and does not clearly or concretely define the structure of applicant's invention. The terms "insulated gate FET" and "double sided JPET" are also broad and do not define applicant's invention. Claim 2 is confusing since lines 14-17 mimic lines 17-20. The other claims are rejected for dependence on 1 or 2.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP 608.01(o). Correction of the following is required: there is no proper antecedent in the specification for the process descriptions of claims 11, 13, 14, 17.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international Serial No. 041,994
Art Unit 253

~3-

application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 5-9, 11, 12, 16 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Colak.

Colak shows a DMOS device wherein Tayer 16 may perform the function of a JFET gate "on top of" an extended drain region 14 in the embodiment of figs. 2B or 2C. Substrate layer 12 may act as the other gate of the JFET. Clearly claim 1 does not distinguish over Colak. Note that mere labels as "JFET" do not structurally distinguish the claims over Colak since the structure of Colak may be labeled an IGFET in series with a double sided JFET as shown above. Claim 2 also does not distinguish over Colak since the claimed structure is shown in Colak and the intended use language "whereby current flow ... " in claim 2 does not structurally distinguish over Colak and furthermore Colak's device may perform the same intended function. See In re Pearson 181 USPQ 642 or Ex parte Minks 169 USPQ 120 on statements of intended use in claims drawn to structure as we have here. Similarly claim 3 does not distinguish over Colak. Claim 5 is a product by process claim which does not structurally distinguish applicant's final product over Colak.

A "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re

Serial No. 041,994

Art Unit 253

Fessmann, 180 USPQ 324; In re Avery, 186 USPQ 161; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); and In re Marosi et al, 218 USPQ 289, all of which make it clear that it is the patentability of the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by Process" claims or not. Note that applicant has the burden of proof in such cases, as the above caselaw makes clear.

Claim 6 also is undistinguishing over Colak since the thickness of layer 16 is a design variable and 1 micron thickness would not be unobvious to one of ordinary skill in view of Colak. Similarly, in re claim 7 a dopant density of greater than 5x1016/cc would not be unobvious for the doping density of layer 16 of Colak. Claims 8, 9 also are obvious over Colak. Claims 11, 12 are product by process claims which also do not distinguish the final product over Colak. Claim 16 also does not distinguish over Colak as "floating" is vague and undistinguishing.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the sub-ject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at Serial No. 041,994

Art Unit 253

the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 4, 10, 13-15, 17 and 18 rejected under 35 U.S.C. 103 as being unpatentable over Colak in view of Thomas.

Thomas shows the obvious of providing low voltage and high voltage devices on the same substrate. It would be obvious from Thomas to practice Colak as CMOS or with other devices. Claim 4 is hence obvious. In re claims 10, 13, 15 "well" regions are also obvious from Thomas. Claims 14, 17 also are product by process claims which do not distinguish the final product over the suggestions of the references on final structure. Claim 18 also does not distinguish over the suggestions of Colak in view of Thomas.

Any inquiry concerning this communication should be directed to J. Jackson at telephone number 703-557-4824.

ackson/EW 12-2-87

T EXAMINER GROUP ANT PAIT 253

PTO - 94	18 U.S. DEPARTMENT ( 82) PATENT AND TRADE	OF COMMERCE EMARK OFFICE	ATTACHMENT TO PAPER NUMBER
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	Drawing Corrections and/or ne submitted in the manner set for "information on How to Effect E	orth.In the estead	and disaster.
<b>^</b> . <u>/</u>	The drawings, filed on checked below:	, are objected to	as Informat for reason(s)
1.	Lines Pale.	11. Par	ts in Section Must Be Hatched.
2.	Paper Poor.	12. Solid	Black Objectionable.
3.	Numerals Poor.	13. 📗 Figu	re Legends Placed Incorrectly.
4.	Lines Rough and Blurred.	14. Mou	nted Photographs.
5.	Shade Lines Required.	15. Extra	nneous Matter Objectionable. 7 CFB 1,84 (1)
6.	Figures Must be Numbered.		7 CFB 1.84 (1)]
7.	Heading Space Required.	16. Paper	r Undersized; elther 8½" x 14", 21.0 cm. x 29.7 cm. required.
8.	Figures Must Not be Connected.		er A4 Margins Required:
9.	Criss-Cross Hatching Objectionable.		TOP 2.5 cm. RIGHT 1.5 cm. LEFT 2.5 cm. BOTTOM 1.0 cm.
10.	Double-Line Hatching Objectionable.	18.  Other	:
в. 🗖	The drawings, submitted on corrected. New drawings are required. Submitted	are so	informal they cannot be

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IN THE UNITED STATES PATENT AND TRADEM

Applicant : Klas H. Eklund

Serial No.: 07/041,994

Filed

: 04-24-87

: HIGH VOLTAGE MOS TRANSISTORS

COMMISSIONER OF PATENTS & TRADEMARKS Washington, D.C. 20231

Date of this Paper:

Group Art Unite

Examiner: J. Jackson

Attorneys Docket No.: SS-520-01

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#### **AMENDMENT**

In response to the U.S. Patent Office Action mailed December 7, 1987 (Paper No. 2), please amend this application as follows: In the Specification

Page 1, line 26, change "of" to --on--;

Page 9, line 15, insert the following paragraph:

--It should be noted that the term "substrate" refers to the physical material on which a microcircuit is fabricated. If a transistor is fabricated on a well of n or p type material within a primary substrate of opposite type material, the well material can be considered a secondary substrate. Similarly, if a transistor is fabricated on an epitaxial layer or epi-island that merely supports and insulates the transistor, the epitaxial layer or epi-island can be considered a secondary substrate. An epi-island is a portion of an epitaxial layer of one conductivity type that is isolated from the remaining portion of the epitaxial layer by diffusion pockets of an opposite conductivity type. When complimentary transistors are formed on the same chip, the well in which one complimentary transistor is embedded is formed by the same diffusion as the extended drain region for the other transistor .--.

In the Claims

Add new claims 19-23 as follows:

A high voltage MOS transistor comprising:

a semiconductor substrate of a first conductivity type having a surface,

ť a pair of laterally spaced pockets of semiconductor material of a second conductivity type within the substrate and adjoining the substrate surface,

a source contact connected to one pocket, a drain contact connected to the other pocket, an extended drain region of the second conductivity type extending laterally each way from the drain contact pocket to

surface-adjoining positions,

() Surface adjoining

a player of material of the first conductivity type on top of an intermediate portion of the extended drain region between the drain contact pocket and the surface-adjoining positions,

said top layer of material and said substrate being subject to application of a reverse-bias voltage,

an insulating layer on the surface of the substrate and covering at least that portion between the source contact pocket and the nearest surface-adjoining position of the extended drain region, 0 and

a gate electrode on the insulating layer and electrically substrate isolated from the region thereunder which forms a channel laterally between the source contact pocket and the nearest surface-adjoining position of the extended drain region, said gate electrode controlling by field-effect the flow of current thereunder through the channel.